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1 THE STATE BAR OF CALIFORNIA
 2 OFFICE OF THE CHIEF TRIAL COUNSEL
 3 SCOTT J. DREXEL, No. 65670
 4 CHIEF TRIAL COUNSEL
 5 RUSSELL G. WEINER, No. 94504
 6 DEPUTY CHIEF TRIAL COUNSEL
 7 LAWRENCE J. DAL CERRO, No. 104342
 8 ASSISTANT CHIEF TRIAL COUNSEL
 9 DONALD STEEDMAN, No. 104927
 10 SUPERVISING TRIAL COUNSEL
 11 ROBIN BRUNE, No. 149481
 12 DEPUTY TRIAL COUNSEL
 13 MANUEL JIMENEZ, No. 218234
 14 ASSIGNED DEPUTY TRIAL COUNSEL
 15 180 Howard Street
 16 San Francisco, California 94105
 17 Telephone: (415) 538-2218

THE STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

14 In the Matter of) Case No. 05-O-3255
 15 ROSEMARY GREENLAW,)
 16 No. 166102,) NOTICE OF DISCIPLINARY CHARGES
 17 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

19 IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE
 20 TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR
 21 IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR
 22 DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN
 23 INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE
 24 PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE
 ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF
 THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO
 PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR
 DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO
 ADDITIONAL DISCIPLINE.

25 STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN
 26 RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

27 IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY
 28 THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF
 ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE
 PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED

1 BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION
2 WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE
3 BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE
4 ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE
5 ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON
6 PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH
7 CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS
8 APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE
9 BAR COURT PROCEEDINGS.

10 The State Bar of California alleges:

11 JURISDICTION

12 1. Rosemary Greenlaw ("respondent") was admitted to the practice of law in the State of
13 California on December 1, 1993, was a member at all times pertinent to these charges, and is
14 currently a member of the State Bar of California.

15 GENERAL BACKGROUND ALLEGATIONS

16 2. On or about February 2004, Verne Robinson (hereinafter, "Robinson") hired
17 respondent to represent him in a landlord/tenant dispute. The dispute ultimately resulted in a
18 lawsuit, *Hacker v. Robinson*, case no. 1-04-CV-015595, filed in Superior Court, County of Santa
19 Clara. The residence Robinson lived in for 17 years was planned for a 20-unit townhouse
20 project. Robinson sought the return of his rental deposit and to negotiate the end of his tenancy.

21 3. On or about February 27, 2004, Robinson paid respondent a non-refundable retainer
22 of \$500 and an additional \$150 in filing fees.

23 4. The parties signed a fee agreement on or about March 12, 2004. The fee agreement
24 called for the non-refundable retainer of \$500 and hourly rate of \$150.

25 5. On or about March 15, 2004, respondent filed an Answer to the unlawful detainer
26 action, on behalf of Robinson.

27 6. On or about May 27, 2004, respondent advised Robinson, via e-mail, that she would
28 be receiving a check for \$500 for the return of his security deposit from the landlord shortly.
She advised respondent that if he would like to keep his address confidential, she could receive
the funds at her address and forward them to him.

7. Robinson replied, "fine," affirming that he would like her to receive the check on his
behalf and forward it to him. Respondent received Robinson's e-mail.

1 8. On or about June 16, 2004, respondent received a check for \$500 for the return of
2 Robinson's security deposit. These funds belonged to Robinson.

3 9. On or about June 16, 2004, respondent sent Robinson an e-mail and asked him where
4 he would like her to send the check.

5 10. On June 25, 2004, Robinson sent respondent an e-mail advising that he had not
6 received the check. He told her to send it to him at 203½ Granada Drive, Mountain View,
7 California 94043. Respondent received this e-mail from Robinson.

8 11. In the e-mail of May 27, 2004, respondent also asked Robinson if he wanted her to
9 pursue a dismissal of the unlawful retainer suit. She advised Robinson that she did not want to
10 run up any more fees on his behalf if he did not agree to pursue a stipulation for dismissal.

11 12. In his e-mail response dated June 25, 2004, Robinson advised respondent that he
12 declined the pursuit of a stipulation for dismissal. Respondent received this e-mail.

13 13. On or about August 19, 2004, respondent unilaterally applied the \$500 from the
14 returned security deposit to an invoice that she claims were Robinson's outstanding fees.

15 14. Respondent produced one invoice dated June 21, 2004, and another dated August 19,
16 2004. Both invoices reflected fees for services related to a dismissal document and a Stipulation
17 to Vacate.

18 15. Robinson did not authorize respondent to pursue the dismissal of the suit and the
19 Stipulation to Vacate. Therefore, he disputes the amounts claimed to be owed in the June 21,
20 2004 and August 19, 2004 billing.

21 16. Robinson did not authorize respondent to apply the \$500 return of the security
22 deposit to any outstanding legal fees.

23 17. Robinson did not receive the billings for June 21, 2004 and August 19, 2004 until
24 after his dispute with respondent about the return of his \$500 security deposit.

25 18. On or about June 2, 2005, State Bar Investigator Willis Shalita wrote to respondent
26 about Robinson's complaint regarding the return of the \$500 security deposit. Respondent
27 received this letter and was aware of its contents.

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1 19. After receiving this letter, on or about January 4, 2006, respondent issued Robinson a
2 check for \$500.

3 COUNT ONE

Case No. 05-O-3255

4 Business and Professions Code, section 6106

[Moral Turpitude]

5 20. Respondent wilfully violated Business and Professions Code, section 6106, by
6 committing an act involving moral turpitude, dishonesty or corruption, as follows:

7 21. Paragraphs 1 through 19 of the general background allegations are hereby
8 incorporated by reference.

9 22. By unilaterally applying the \$500 she received on behalf of Robinson towards her
10 claim of outstanding attorney's fees, without Robinson's permission, respondent wilfully
11 misappropriated her client's funds to her own use.

12 23. By misappropriating her client's funds, respondent committed an act involving moral
13 turpitude, in wilful violation of Business and Professions Code, section 6106.

14 COUNT TWO

Case No. 05-O-3255

15 Rules of Professional Conduct, rule 4-100(B)(4)

16 [Failure to Pay Client Funds Promptly]

17 24. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(4), by
18 failing to pay promptly, as requested by a client, any funds in Respondent's possession which the
19 client is entitled to receive, as follows:

20 25. Paragraphs 1 through 19 of the general background allegations are hereby
21 incorporated by reference.

22 26. By failing to return Robinson's \$500 security deposit to him, respondent failed to
23 pay promptly, as requested by a client, the funds in respondent's possession which belonged to
24 Robinson, in wilful violation of rule 4-100(B)(4) of the Rules of Professional Conduct.

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NOTICE - INACTIVE ENROLLMENT!

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YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

Dated: 5/9/07

By: 

Robin Brune
Deputy Trial Counsel

Assigned to Manuel Jimenez
Deputy Trial Counsel

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I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7160-3901-9845-0328-6486, at San Francisco, on the date shown below, addressed to:

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

SIGNED: Matthew H. Patterson
Matthew H. Patterson
Declarant